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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,611	03/25/2004	Michael Holmberg	HRA-15305	7255

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RANKIN, HILL, PORTER & CLARK LLP  
4080 ERIE STREET  
WILLOUGHBY, OH 44094-7836

EXAMINER
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OLSON, MARGARET LINNEA

ART UNIT	PAPER NUMBER
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3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,611	<b>Applicant(s)</b> HOLMBERG, MICHAEL	
	<b>Examiner</b> Margaret L. Olson	<b>Art Unit</b> 3782	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,4-10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Filipovitch (US 6,619,738). Filipovitch discloses a vehicle center console assembly 12 with a first and second spaced side walls, a front wall, a rear wall, a base wall, and a lid pivotally attached shown at 38 (figure 2; figure 3). A flexible web 14 is detachably affixed (column 2, lines 9-35) to the enclosure with support 28 and rearranging the flexible web 14 by placing it inside or outside of the enclosure 12 reconfigures the storage area. The enclosure is located between two seats inside a vehicle (figure 1).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US 7,104,580) in view of Moore (US 5,685,470). Clark et al. discloses an enclosure located between two seats 12/13 in a vehicle (figure 1). The enclosure has first and second spaced sidewalls shown near 15 and 25 (figure 1), a base wall (near 27 in figure 2), a front wall and rear wall created on either side of the depression with base wall 27. The rear wall is between lid 20 and the surface labeled with reference 14 (figure 2; space shown in figure) and the front wall is opposite that, behind raised lid 22. Lid 20/22 is pivotally engaged with the rear wall 20 (figure 3, column 6, lines 43-46). Flexible web 30 segregates the storage area. Clark et al. does not disclose that the flexible web 30 may be detached to reconfigure the storage area. Moore teaches a Cargo area with a reconfigurable flexible web 30 (figure 1; figure 8B) with fasteners 44' that fix the web to receptacles 46' in a cargo storage area. It would have been obvious to one of ordinary skill in the art at the time of invention to use the detachably affixing flexible web 30 of Moore with the fasteners 44' and receptacles 46' in lieu of the fixed web 30 of Clark et al. so that the console may be rearranged to store different types and sizes of items.

With respect to claim 4, Clark et al. as modified above discloses a plurality of fasteners 44' affixed to the flexible web 30 and a plurality of receptacles 46' in the cargo enclosure (Moore; figure 4B; figure 1).

With respect to claim 5, Clark et al. as modified discloses that the number of receptacles 46' in the enclosure exceed the number of fasteners affixed to the flexible

web 30, allowing multiple configurations of the web within the cargo enclosure (Moore; figure 2; figure 7A, figure 8A, figure 8B).

With respect to claim 6, Clark et al. as modified discloses that the fasteners 44' include a stem portion defining an aperture (near 54, Figure 4B) at a first end for attachment to the web 30 and a head portion at 44' at the other for engagement with one of the receptacles (Moore, figure 4B).

With respect to claim 7, Moore discloses that the receptacles 46' have an aperture (at 46', figure 4B) for passage of the head portion of the fastener, and a slotted seat into which the stem portion of the fastener may be slid so that its movement is restricted (column 4; lines 7-12).

With respect to claim 8, Moore discloses that some of the receptacles 46' have a first orientation while at least one of the receptacles has a second orientation (figure 1).

With respect to claim 9, the web 30 of Clark et al. and Moore is a net (Clark figure 1; Moore figure 2).

With respect to claim 10, Clark et al. as modified discloses two rows of receptacles with three receptacles in each row (Moore figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a third row in the sidewalls of Moore since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

With respect to claim 12, Moore discloses that the second web edge is detachably affixed to the second side of the cargo enclosure (figure 6; first web edge at

88 and second web edge above 18). The first and second web edges are detachably affixed to adjacent rows of receptacles.

With respect to claim 13, the receptacles of Moore are integrally provided by the cargo enclosure of Moore (figure 9; column 5, lines 46-50).

With respect to claim 14, a plurality of receptacles is provided on a plate 38 received in the cargo enclosure of Moore (figure 1; figure 8A; column 4, lines 50-52).

With respect to claim 15, a group of receptacles is provided on a first plate strip 38 and a second group of receptacles is provided on a second plate strip 38 (not labeled, shown near 72, figure 2) in the enclosure of Moore.

With respect to claim 16, Clark et al. provides an enclosure located between two seats 12/13 in a vehicle (figure 1). The enclosure has first and second spaced sidewalls shown near 15 and 25 (figure 1), a base wall (near 27 in figure 2), front wall 22, and rear wall 20. Lid 35 can be pivotally engaged with the rear wall 20 (figure 3, column 6, lines 43-46). Flexible web 30 segregates the storage area. An item such as a map 41 (figure 4) is placed in the enclosure and secured by a flexible web 30. Clark et al. does not disclose that the flexible web 30 may be detached from the interior surface of one of the walls. Moore teaches a Cargo area with a reconfigurable flexible web 30 (figure 1; figure 8B). It would have been obvious to one of ordinary skill in the art at the time of invention to use the detachably affixing flexible web system of Moore as the web 30 of Clark et al. so that the console may be rearranged to store different types and sizes of items.

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With respect to claim 17, Moore discloses a plurality of fasteners 44' on the web 30, where each fastener is detachably affixed to a receptacle on one of the side walls 38', 38 of the cargo enclosure (figure 1; figure 9; figure 2).

With respect to claim 18, Moore discloses a plurality of fasteners 44' attached to the web 30 where first and second fasteners are detachably affixed to first and second receptacles on first and second sidewalls of the cargo enclosure (figure 2).

With respect to claim 19, Clark et al. discloses a vehicle with a passenger compartment including an enclosure located between two seats 12/13 in a vehicle (figure 1). Flexible web 30 is within the enclosure and segregates the storage area. Clark et al. does not disclose that the flexible web 30 may be detached to changeably segregate the storage area. Moore teaches a Cargo area with a changeable flexible web 30 (figure 1; figure 8B). It would have been obvious to one of ordinary skill in the art at the time of invention to use the detachably affixing flexible web system of Moore as the web 30 of Clark et al. so that the console may be rearranged to store different types and sizes of items.

### ***Allowable Subject Matter***

3. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Margaret L. Olson whose telephone number is (571) 272-9002. The examiner can normally be reached on MTWR, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER